

Senate File 93 - Introduced

SENATE FILE 93

BY SALMON

A BILL FOR

1 An Act relating to dependent adult abuse investigations in
2 facilities and programs.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235E.2, subsection 6, paragraph a, Code
2 2023, is amended to read as follows:

3 a. The department's investigation shall determine if the
4 resident has a guardian, conservator, or attorney in fact. If,
5 upon completion of an investigation, the department determines
6 that the best interests of the dependent adult require court
7 action, the department shall inform any existing guardian,
8 conservator, or attorney in fact of the dependent adult of the
9 department's determination. The department shall also inform
10 any family member or other person for whom the resident has
11 granted permission to have access to the resident's medical
12 and facility records of the department's determination. If
13 an existing guardian, conservator, or attorney in fact of
14 the dependent adult refuses to pursue appropriate relief or
15 remedies provided by law for the dependent adult, or if the
16 dependent adult does not have a guardian, conservator, or
17 attorney in fact, the department shall notify the department of
18 health and human services of the potential need for a guardian
19 or conservator or for admission or commitment to an appropriate
20 institution or facility pursuant to the applicable procedures
21 under [chapter 125, 222, 229, or 633](#), or shall pursue other
22 remedies provided by law. The appropriate county attorney
23 shall assist the department of health and human services in the
24 preparation of the necessary papers to initiate the action and
25 shall appear and represent the department of health and human
26 services at all district court proceedings.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to dependent adult abuse investigations in
31 facilities and programs.

32 The bill amends provisions under Code chapter 235E
33 (dependent adult abuse in facilities and programs) to provide
34 that an investigation of dependent adult abuse in a health
35 care facility or hospital by the department of inspections and

1 appeals (DIA) shall determine if the dependent adult has an
2 existing guardian, conservator, or attorney in fact. If upon
3 completion of an investigation, DIA determines that the best
4 interests of the dependent adult require court action, DIA
5 shall inform any existing guardian, conservator, or attorney
6 in fact of the dependent adult of DIA's determination. DIA
7 shall also inform any family member or other person for whom
8 the resident has granted permission to have access to the
9 resident's medical and facility records of the department's
10 determination. If an existing guardian, conservator, or
11 attorney in fact of the dependent adult refuses to pursue
12 appropriate relief or remedies provided by law for the
13 dependent adult, or if the dependent adult does not have a
14 guardian, conservator, or attorney in fact, DIA shall notify
15 the department of health and human services of the potential
16 need for a guardian or conservator or for admission or
17 commitment of the dependent adult to an appropriate institution
18 or facility pursuant to the applicable procedures under Code
19 chapter 125, 222, 229, or 633, or shall pursue other remedies
20 provided by law.